

United States District Court
Northern District of Illinois
Eastern Division

United States of America

NO. 15CR389

vs.

Melvin Reynolds

Honorable John W. Darrah

FILED

MAY 16 2016

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Pro-Se Motion

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Pro-Se Defendant, Melvin J. Reynolds, submits this motion for the court's consideration because of Prosecution and Government misconduct.

Introduction

Pro-Se Defendant Melvin J. Reynolds seeks relief from this Honorable Court because of Prosecution and Government misconduct that has made it impossible for Defendant to receive his right to a fair trial under the United States Constitution.

Argument

- A. Prosecution and Government misconduct make it impossible for Defendant to receive a

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fair trial before this Honorable Court, and therefore a mistrial must be ordered. Prosecutors have been given access to my lawyer-client privileged private information and communications that Homeland Security Agents (HLS) found on my computer.

As Your Honor knows AUSA Barry Jonas has worked in the past with HLS agents in other cases and I have been told in two recorded conversations over the phone by Mr. Kling that the private content on my computer has been discussed between Mr. Jonas and HLS agents. As Your Honor knows my computer was taken upon my return from South Africa on April 11, 2016 by HLS. On April 12 and 14, 2016, Mr. Jonas told the court that if I gave HLS the passwords for my computer and those all HLS would do would be to search my property for "contraband" and failing to find any "Contraband" return my personal property in a few days.

I protested and refused to give my passwords to H.L.S. The reason for protesting was the concern that the content in my computer would be shared with prosecutors and thereby giving them access to trial preparations and privileged lawyer client confidential information and that is exactly what has happened. HLS has gotten pass my password and have in fact discussed the content found on my computer with Mr. Jonas.

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This is a fundamental ^{violation} of my 4th, 5th, and 6th amendment rights and has made it impossible for me to receive a fair trial because prosecutors have been given an unfair illegal advantage. Prosecutors did not have a warrant or a court order for access to my computer or any of the content found in the computer.

Defendant therefore believes at this point that there is no way of knowing the extent of this outrageous violation and conduct by the prosecution and cannot know the extent of this violation based on any prosecution's statements at this point. However, the extent or degree of the violation is not the only issue, it is the violation alone of gaining access to confidential privileged protected information that makes it impossible for Defendant to get a fair trial. Would it be considered a violation for Defendant to gain illegal and improper access to prosecution files that contained their pre-trial preparation and other private government documents just before trial or at anytime during these proceedings? The clear answer is yes!

B. Other questions are raised here by the government's illegal conduct. Who decided to take defendant's computer and phone? Defendant had been through Atlanta as a port of entry many times and had never even been asked to power on personal ^{property} let alone having it taken. Why now? Defendant was

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not being arrested by ICE/HLS. In fact they made that clear to Defendant.

Was this act of taking my property ordered by the prosecution? Because of the past relationships between Mr. Jones and HLS there is a cloud and the possibility exists that prosecutors have engaged in additional misconduct.

When my attorney in Atlanta sent a letter to the head HLS lawyer in Washington D.C. asking about the taking of my property, he received a return call from HLS in Chicago. Why was this done when the property was taken in Atlanta? Is this because Mr. Jones had HLS take my property in the first place? This may explain why my attorney in Atlanta was called from Chicago. Was this an effort all along to gain access to the content on my computer and therefore a violation of my right to a fair trial, and against self incrimination, to receive due process and to be afforded equal protection under the constitution?

The Prosecution by it's conduct seems to think that the rules of proper legal conduct during these proceedings only should apply to me.

Conclusion

Because of the aforementioned a mistrial should be ordered and an investigation should be-

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gin immediately to fully determine the extent of the prosecution's illegal conduct. Defendant also ask Your Honor to issue a T.R.O. to H&S to stop them from searching anymore of my property until an investigation can be concluded.

Respectfully Submitted

Melvin Reynolds

Pro. Se

May 11, 2016

Motion 1.